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ARTICLES

Dower in history and its significance in Islamic law

The Emergence of Plantation Labour in Bengal: A historical and legal study

The Convention on the Rights of the Child, 1989: Its Success or Failure after 17 years

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পঞ্চম জাতীয় সংসদে গঠিত কতিপয় গুরুত্বপূর্ণ কমিটি: একটি পর্যালোচনা

বাংলাদেশের শিকস্তি ও পয়স্তি আইন : একটি পর্যালোচনা

ইসলামে মোহরানার অধিকার ও বাংলাদেশের আর্থসামাজিক প্রেক্ষাপট : একটি পর্যালোচনা

সাইবার ক্রাইম : আইন প্রয়োগ, সমস্যা ও উত্তরণের উপায় অনুসন্ধান

শিশু নির্যাতন এবং শিশু অধিকার : প্রেক্ষিত বাংলাদেশ

বাংলাদেশে টিপাইমুখ বাঁধ এর প্রভাব : একটি আইনী পর্যালোচনা

Abstract on the Project Legal Rights of the Child: Policy and Enforcement in Bangladesh, 1995

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The Emergence of Plantation Labour in Bengal: A historical and legal study

Dr. Md. Gholam Kibria*

Introduction:

According to the Encyclopedia Britannica, labour means the general body of wage earners. It is in this sense, for example, that one speaks of organized labour.¹ Section 2, sub section 65 of the Bangladesh Labour Code, 2006² defines a worker as any person including an apprentice, whether his service conditions are expressed or implied, who is employed for skilled, unskilled, physical, technical, business development or clerical job directly in an institute or factory or through a contractor in return of wages or money, but any person responsible mainly for administrative or management functions will not be included.³ Various factors such as historical, political and economic have shaped the development of labour legislation in Bengal. Labour legislation was introduced in the sub-continent by the British colonizers. Quite often these measures were rooted not in the spirit of benevolence for the colonised, but were a means of regulating them and to protect interests of the coloniser. Industrial workers of Bengal came up generally from the peasantry and weaving class but employers did not afford on the job or off the job training to them to be skilled. Rather they were cheated with absolutely minimum wage and no hidden payroll. They had no fixed working hour; even they were compelled to work from 11-15 hours with no weekend. Moreover they had no legal or administrative support. Employer and the government had ruthless and paternalistic attitude to the workers. In spite of all these odds, industrial growth was very satisfactory on one hand and labour emerged as a class on the other. Those who started their activities as plantation workers, have gradually emerged as a work force contributing a lot to the manufacturing industry without much right attached to them.⁴ The evolution of labour as a class with the gradual development of organized sector in Bengal is presented in this paper. This

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¹ The Encyclopedia Britannica, Vol.7, 15th ed. Chicago, 1986, p. 80.

² Act 42 of 2006

³ English translation is made by the author.

⁴ This article does not concentrate on other industries including coal-mining industry which occupies a very important position in labour history and has a rich heritage. There were other plantation industries, such as, sugar, food grains, tobacco, opium, cotton, silk, raw silk etc. Other industries were salt, saltpetre, ship building, cottage, household utensils, paper, tailoring, pottery, hides, skin and leather goods.

article further traces the fact that the laws relating to labour was a post development in Bengal and India as well. Due to space constraint the article focuses on the area of indigo, tea and jute plantation labour. The method of discussion is theoretical and analytical.

Plantation of Indigo:

Plantation industry is one of the oldest industry in India, and indigo comes first as plantation industry, especially in Bengal. Europeans learned indigo plantation from India when Alexander (327-324 B.C.) conquered Punjab. It was introduced in Europe from India, and widely used in European textiles especially in England after the adoption of blue for British Naval costumes. It was very interesting that from 17th to 20th centuries indigo was a fugitive among industries. Indigo reached up to the West Indies from India and then back to Bengal in Eastern India. Finally it took refuge in Bihar from Bengal.⁵

There is another version regarding plantation of indigo in Bengal. At the end of 18th century the industry was imported into India from West Indies by European planters. One French trader Louis Bonnard introduced indigo cultivation in India in 1777. Among the English traders Carel Blume first introduced the indigo cultivation in Bengal in 1778.⁶ The company discovered that indigo produced in Bengal under European supervision was equal in quality to the finest West Indian product. Then the East India Company helped the planters with advances. The company also encouraged experienced West Indian planters in Bengal. The governor General John Shore carried out a highly effective measure to improve the quality of indigo exported from Calcutta and stimulated the industry in Bengal in 1796. He imposed 15 percent duty in all indigo brought into the province from Agra, and Oudh, areas which until that time supplied from one fifths indigo exported from India to London. At the end of the century the amount of indigo exported to United Kingdom from Bengal was more than double of the quantity from all other sources.⁷ Ramesh Dutt said more categorically "the importation of Indigo from India commenced about 1790 and had so greatly increased in forty years as to supersede all other indigos"⁸

The scenario of cultivation of indigo was different than that of tea or other plantation in Bengal. Two types of indigo cultivation, *nijabad* and *raiya* was in

⁵ B. Blair Kling, *The Blue Mutiny, The Indigo Disturbance in Bengal, 1959-1862*, Philadelphia University, 1966, pp. 15-16.

⁶ Nemai Sadhan Bose, *The Indian Awakening in Bengal*, Firma, K L Mukhopadhyay, Calcutta, 1969, p.216

⁷ Kling, p.18

⁸ Romesh Dutt, *Economic History of British India*, London, 1902, p.281

practice in lower Bengal. In *nijabad*, as in a conventional plantation system, that factory supplied the land and seed and hired the cultivators, usually along with ploughs and bullocks. *Nijabad* cultivation took place only on the adjacent lands of the factory and on *chars* (muddy plains formed due to changing course of the rivers). The major indigo cultivation was under *raiya* cultivation outside the factory grounds. *Raiya* land might have belonged to Indian Zamindar (*be-ilaka*) or the planter himself or it might be the Zamindar (*ilaka*).⁹

In northern and eastern Bengal where *char* lands were more plentiful, there was higher proportion of *nijabad*, but in lower Bengal as a whole almost three times as much land was cultivated under *raiya* as under *nijabad*. Even they used to force the small and medium landholders to take the advances for the cultivation of indigo. The system by which European indigo manufacturers gave advances to the *raiya*s for cultivation of indigo was bound to lead to fraud and oppression.¹⁰ Advances were made to the tenants of local landlords to cultivate indigo and once they took advance they were treated as bonded labour. So cultivators were unwilling to produce indigo under planters' terms and conditions which were fruitless job for them but they were forced to do it on slashes of whip. On the contrary it was very much profitable to the planters. There were nearly one thousand Europeans in the 400 and odd indigo factories in Bengal in 1831.¹¹ Due to the dissatisfaction of cultivators Blue Mutiny took place in Bengal and continued from 1858-60. The agitation was particularly wide spread in Jessore, Nadia, Pabna, Faridpur, etc.¹² A few years early on the *ryots* of Kolaroa in Jessore saw a ray of hope in the darkness.¹³ Few *ryots* named Abdolla Mubdal, Golapdee Mundal, Manken Mundal, Tota Gazee and Akbar Duffadar presented a petition to Abdul Latif, Deputy Magistrate of Kolaroa in Jessore in 1854. They lodged a complaint against Henry Mackenzie, a planter of Jhikargocha in Jessore, stating the fact that his agent has forced the *ryots* to cultivate indigo. Deputy Magistrate Abdul Latif issued a Parwana:

You (Tomake) are therefore hereby forbidden, and are directed to present your men and the Lathials, from practicing oppression on the plaintiffs. You will also see that when they cultivate their perspective lands, your men put

⁹ Kling, p.29

¹⁰ N K Sinha, *The History of Bengal*, Vol.1, Firma, KL Mukhopadhyay, Calcutta, 1961, p.228

¹¹ Kamruddin Ahmed, *Labor Movement in Bangladesh*, Dhaka, 1978, p.2

¹² Bose, p. 217

¹³ Mahmuda Khatun, 'Nawab Abdul Latif and Planters-Ryots Conflict in Bengal', *Journal of the Pakistan Historical Society*, Vol.LIV, No.4, October-December, 2006, p.6.

no obstacle in their way. If you (tomar) have any claims to prefer on account of advent for indigo, you are at liberty to sue in the civil court. Should you disobey this order and not abstain from practicing oppression, you (tomakey) will be held seriously responsible.¹⁴

Truly speaking, it was for the first time, working class got some legal as well as some administrative support against the blood sucker British planters. M. A. Rahim further said:

In 1853 while posted in Satkhira subdivision of 24 Parganas, his attention was drawn to the oppressions of the indigo-planters who restored to various forcible methods to compel the poor peasant to cultivate indigo in their lands and to accept price which was much below the cost of production. Abdul Latif took steps to stop this injustice. He urged upon the cultivators to combine themselves and represent their grievances to the authorities.¹⁵

The above statement of M. A. Rahim is much more acceptable as the peasants were so poor and helpless that they could not dare present a petition against the planters without any support from the magistrate. The Deputy Magistrate, Abdul Latif, had taken a firm stand against the wide spread injustice practiced by the planters who were backed by the government and the *zamindars* of Bengal. The planters complained seriously against Abdul Latif to the government. For his brave and heroic act, Frederick Halliday, the first Lieutenant Governor of Bengal transferred Abdul Latif from Kolaroa to Jehanabad Sub-division, Hoogly District in response to complaint lodged against him.¹⁶

Due to this indigo rebellion we could follow a marked decline in the cultivation of indigo plant throughout Bengal. There were 300 or 400 factories in Bengal chiefly in Jessore, Krishnonagar and Tirhoot. All the indigo factories were destroyed during that rebellion.¹⁷ There were no regular labour employed in the plantation of indigo but in the indigo factories some skilled workers, employees and very small amount of labour were required. During the manufacturing season *Buna* coolies were brought from jungle tribes of Manbhum, Singhabhum and Midnapur to work. A large factory like Mulnath, head quarters of Bengali indigo company, employed one hundred of them in each manufacturing season paying 3 or 4 rupees per month and local labour was employed to operate the pumps, boilers, cutting machines and other

¹⁴ Enamul Haque, *Nawab Bahadur Abdul Latif: His Writing and Related Document*, Dhaka, 1968, p.3

¹⁵ MA Rahim, *Nawab Abdul Latif and Education of Muslims of Bengal*, Dhaka, 1969, p. 5

¹⁶ Kling, p. 69

¹⁷ Romesh Dutt, *The Economic History of India Under Early British Rule*, London, 1956, p.280

equipments as well as cart men and boat men were hired to bring the indigo plant to the factory.¹⁸

Plantation of Tea:

Some plantation industry which has less onerous system of indentured labour, existed at that time. One of the largest plantation industries of Indian subcontinent was tea. Its development necessitated two basic requisites – firstly, large areas of cultivable land and secondly, huge labour force. Moreover the areas suited for plantations were initially sparsely populated, so plantation had to depend on migrated labour all through like other plantation areas of the world.¹⁹

The experimentation in cultivation of tea in India was undertaken by the Government in 1834. Tea makers and artisans from China were introduced in 1837 and some consignments of manufacture of Assam tea were forwarded to the court of Directors in the year 1838-39. The high quality tea attracted the English mercantile world and the company for the cultivation of the tea plant and manufacture of tea in upper Assam. The first trial of tea plant at Darjeeling was made in 1841. These ventures came out successful.²⁰ The discovery of indigenous tea in Sylhet and Cachar gave the impetus for an expansion of the industry in to Surma valley, and few years thereafter the whole of the upper portion of the province of Assam (both Brahmaputra and Surma valley) was converted into large tea plantation.²¹ The tea plantations were localized mainly in Assam, Bengal and also in parts of Uttar Pradesh, Punjab, and in some southern States.²²

Tea was ranked second to jute in the number of persons employed among the organized industries of Bengal. Virtually tea producing district were Darjeeling and Jalpaiguri in Bengal. Since tea plantation started in Bengal in 1850s its growth had been phenomenal. The industry was the first in Bengal as a commercial enterprise in Darjeeling in 1856. In 1870 there were only 56 gardens, employing about 8,000 labourers in Darjeeling and by 1901 there were 148 tea gardens, employing 64,000 coolies.²³ From the 1911 census it is evident that the work on tea gardens appealed to a very large number of tribal

¹⁸ Kling, p.29

¹⁹ Sarit Bhowmik, *Class Formation in the Plantation System*, New Delhi, 1981, pp. 10-11

²⁰ Tushar Kanti Gosh, *Tea Gardens of West Bengal*, Delhi, 1978 p. 9

²¹ Panchanan Saha, *History of Working Class Movement in Bengal*, New Delhi, 1978, pp.8-9

²² Gosh, p.3

²³ Government of Bengal, *Bengal District Gazetteers*, Calcutta, 1907: pp.44-45

not less than 91, the chief among them being Oraons, Mundas, Jeondars or Khambus, Santals, Murmis, Mangars and Kharias. The nature of labour force varied in different gardens²⁴ as the sources of labour in different plantation areas were different.

Local Assamese people were very much reluctant to work in the gardens. For recruitment of labour from distant parts of the country for Assam gardens, two special Acts were enacted, first was the Workers Breach of Contract Act, 1859. Under this Act planters could take summary remedy against deserters. The second was the Plantation Act, 1863 requiring the recruiters to be licensed, the emigrant to be registered, and sanitation could be provided on the way to labour districts. Desertion on the part of the workmen was made impossible and planters were empowered to arrest absconders without warrants.²⁵ When the interest of the planters was hampered they took administrative or legal steps for all trifling acts as they had control over the both. It was possible as there was no law to secure the rights of the workers. Rather a one sided tyrannical rule was promulgated by the planters with the help of colonial administration. The conditions of workers were similar to slaves. And these labourers had to work hard in jungles with minimum wages and little fringe benefits and above all they were violated in different ways. Not only in Bengal, in India vast majority of workers got a wage which was not enough to provide them with the meanest necessities of life.²⁶ There was no statutory law to improve the wretched condition of the working class or their children. The Government was concerned with the interest of the employer.

Table 1 shows number of labour, both adult and children, employed in specified years of Assam tea gardens.

Table 1: Labour population living on Assam tea gardens in specified years

Year*	Adults	Children's	Total
1877...	110,675	46,544	157,219
1900...	410,075	252,374	622,451
1919-20	629,631	480,733	1,110,364
1935-36	618,043	521,353	1,139,396

Source: ILO Report on Industrial Labour in India, Geneva, 1938, p. 38.

²⁴ GM Broughton, *Labour in Indian Industry*, London, 1924, p. 77

²⁵ Ahmed, 1978, p.3

²⁶ Dutt, 1956, p.388

Table 2 shows the growth of tea plantation workers of both Bengal and Assam.

Table 2: Growth of tea plantation workers

Place	1935	1942
Assam	519,621	521,667
Bengal	205,428	221,251

Source: Panchanan, 1978, p.9.

In tea plantations both male and female, child and adolescents used to work. Employment of adolescent and child labour was a special feature of the plantation industry especially in Assam and West Bengal. Even today, the tea industry in most Asian countries in general has more female workers than male workers.²⁷

Employers of tea gardens were very much interested to recruit women workers because they used to pay them less than the male workers. Women workers happen to be more docile and dutiful as they had minimum diversion to others. After work they used to rush to their home. There was minimum chance of unification move against the employers. There was no law on wages and it is the crooked planters who are male and the male dominated society made the discriminatory wage policy in the tea gardens.

Though coffee was not a common beverage like tea, it was cultivated extensively since 1823. In Bengal 400 acres of land had been led out in coffee.²⁸ The export of coffee were earlier in origin than those of tea from India, and had greater importance for sometime, but with the growth of tea industry, coffee got a lower position.²⁹ Principally the whole of the production was exported. Through these economic activities labour force was emerging gradually in Bengal and India as well. People were getting employment with the development of agro-based industries side by side with the agricultural sector.

Plantation of Jute:

Jute was regarded as the golden fiber of Bengal, and it was growing in Bengal for a long time past, especially in East Bengal. Bengal was the largest producer of jute in the world. Bengal jute was mostly used in the early 19th century. Later on the use of jute began to increase in place of flax and hemp. Thomad Neish, a Dundee merchant, persuaded the Dundee spinners,

²⁷ Bhowmik, p.5

²⁸ Dutt, 1956, p. 283

²⁹ CNVakil et al, *Growth of Trade and Industry in Modern India*, Bombay, 1931, p.

Messers Bell and Balfour, to try spinning jute with their machinery. The experiment was successful. Eighteen tons of jute was imported by the Dundee manufacturers in 1828. The figure rose to three hundred tons in 1933. By then a large part of flax machinery had been adjusted to jute, and the year 1833 saw the beginning of the mechanical manufacturer of jute yarns and fabrics.³⁰ Pure jute yarn was put up for sale for the first time in 1835 and within a few years jute appeared in the European market as a competitor of flax and hemp.³¹ Raw jute was exported in the early days of East India Company to Dundee where jute goods manufacturing industry had been developing rapidly.

Use of jute increased appreciably by the decision of the Netherlands Government, about 1833, to replace flax by jute in the manufacturing of coffee bags for East Indies. The supply of flax, the main source of which was Russia, was cut off due to Crimean war (1854-55) Thereafter, Bengal Jute began to flow in European market and it became popular.³² Mr. George Auckland, formally a coffee planter of Ceylon started the jute spinning mill – the Rishra Yarn mill component at Rishra near Srirmapor in the Hoogly district in 1854. Two years later the first weaving mill was established at Baranagar. The name of the mill was Borneo Company, which, came later on to be known as the Baranagar jute factory limited.³³ With the establishment of first jute mill in 1854 in Bengal and first cotton mill in 1851 in Bombay factory system had been introduced in Bengal as well as in India. This was the real birth of industrial labour in India. With the establishment of factory system, industrial labour force began to grow.

Jute mills began to increase gradually as it was very much profitable. The five jute mills were established between 1855 and 1866. And by 1872-75 thirteen new mills were set up and the number of looms increased from 1,250 in 1873 to 3,500 in 1875.³⁴ Almost all the jute mills were set up around Calcutta. From 1879-80 to 1935-36, the number of mills rose from 22 to 104, and the number of looms and spindles increased from 4,946 and 70,840 to 63,700 and 1.27 million respectively.³⁵ Out of a total of 243,000 tons of jute exported during the financial year 1942-43, 89,000 tons were consigned to the United

³⁰ Dipesh Chakravarty, *Rethinking Working Class in the Story: Bengal 1890-1940*, Bombay, 1996, p.16

³¹ MS Ahmad, *Year Book on Jute 1967-68*, Part-1, Dhaka, 1969, p.16.

³² Sinha, p.255

³³ Ahmad, pp.17-18

³⁴ Sinha, p.255

³⁵ Government of India, *Statistics of British India*, Vol.1, Part-1, Report, 1921, p. 76

Kingdom and 124,000 tons to the United States of America. Brazil, Union of Soviet Socialist Republic, Argentina, Canada and Australia were other important customers for Indian raw jute (*The Review of the Trade of India in 1942-43*: 15).

Table 3 shows the export of raw Jute and manufactured jute goods from India.

Table 3: Quinquennial Progress of the Jute Mill Industry in India from 1879-1915 and 1918-1919

Year	Number of Mills at Work	Persons Employed
1879-1880	22	27,494
1884-1885	24	51,902
1885-1890	26	59,541
1890-1895	28	74,357
1895-1900	34	102,440
1900-1905	38	133,162
1905-1910	60	204,104
1910-1915	70	238,274
1918-1919	76	275,500

Source: GOI, 1921, p. 74.

The number of workers in jute and other fibers, with their families, has risen from 461 to 649 thousand. About one third of the total area operatives, etc, in the Bengal jute mills and jute posses, who aggregate 143,000 compared to only 38,000 ten years ago³⁶ Regarding the labour force in the jute mills Foley reported in 1906:

"Twenty years ago all the hands were Bengalis"³⁷

The Bengali workers who came from peasantry and weaving formed 53.6 per cent of the labourers in the jute mills in 1895. The number of Bengali workers began to decrease when a good number of labours started coming in from Bihar, United Province, Orissa and joined the industry.³⁸ Bengal is a country of fertile land with green vegetation, moderate weather and easy going life than other regions of India. In British period Calcutta was the capital till 1911 and Bengal Presidency was the most important presidency than Madras and Bombay. Political, economic and cultural activity of India was controlled by Calcutta. People from all over India used to come to

³⁶ Government of India, *Census of India*, 1901, Vol. I, Part-I, Report, p. 214

³⁷ Sunil Kumar Sen, *An Economic History of India*, Calcutta, 1981, p. 312

Bengal in search of job and settled thereafter. The recruited contractors and sardars were non Bengalees who encouraged the concentration of migrants from their area of origin in the industrial centres of Bengal.³⁹ For all these reasons there was a fall in number of workers in Bengal.

Legal Support:

As a whole the conditions of labour in Bengal and India remained deplorable. It is previously said that they had to work for 11 or 12 hours a day with a half an hour's recess, some times it extended up to 14 or 15 hours or more. There was no extra payment for that, no facilities or amenities of life that a human being deserves. In Calcutta the working time was different in different mills.⁴⁰ Despite many obstacles and agitations the Government of India introduced a bill in the central legislature in 1879. The bill became an Act in 1881. This was the first Factories Act in India. The Government of India soon realized that the Act of 1881 was wholly inadequate to cope with the evils that were rampant.⁴¹ Another Factories Act came into force in 1891. There upon, a third Factory Act was passed in 1911. Later on amendments took place in 1923, 1926, 1928, 1929 and 1931. Again for necessary revision of this Act Royal Commission was formed and with recommendation of the commission a new Factories Act 1934 (XXV of 1934) was reenacted.⁴²

The Factories Act of 1881 made provisions for limiting the working hours of child labour, prohibiting employment of women in night shifts and appointment of factory inspector for the first time of its kind.⁴³ The two more Factory Act following it and the amendments made thereto were very much insufficient to redress the huge grievances. Moreover, there was no way to ensure that the management would abide by the provisions of the Act.

Some important labour legislation was introduced in the sub-continent in the early nineteenth century which was very late in comparison to the establishment of factory system. Those legislations were not that much directed to protect the absolute interest of the working class. For the formation of Wages Act Royal Commission was formed in 1929. On the

³⁸ Sen, p. 312

³⁹ Sen, p. 313

⁴⁰ Government of India, *Indian Factory Labour Commission Report*, 1908, pp.6-10

⁴¹ G Ramanujam, *Indian Labour Movement*, New Delhi, 1986, p. 12

⁴² S G Panadiker, *Industrial Labour in India*, Bombay, 1933, pp. 122-141; Government of East Pakistan, *East Pakistan Factories Act*, 1965, p. 1; Please note that the Factories Act 1965 which was later enacted in East Pakistan and adopted by Bangladesh as Factories Act, 1965 has also been repealed by section 353 of the Bangladesh Labour Code, 2006.

recommendation of the commission the payment of Wages Act was passed in India in 1936. Later on the Act, was amended in 1937 and in 1940. Similarly Trade Disputes Act 1929, Industrial Disputes Act 1947 or Workmen's Compensation Act 1926 were gradually enacted. It is worth to mention here that the Bangladesh Labour Code, 2006 has repealed most of those statutory laws.⁴⁴

At that point of time those Acts were enacted to regulate payment of wages, to provide compensation for injury by accident, to provide the right of unification, to settle disputes, to provide health and safety to restrict working hours of adults, to explain the rights on retrenchment or termination, to explain the situations and conditions of going on strike or lockout and layoff and many other things related to industry or business establishment. In practice, these statutory laws had little positive effect on the labour force. The company administration was not interested to implement the legal provisions and the civil administration paid little attention to it. All over India workers had to work for 11-15 hours or more, and the position of workers in Bengal was little better than other State.⁴⁵

In July 1925 the Mill-owners Association announced eleven percent reduction of wages. It was possible as there was no legislation regarding wages of the factory workers. This decision caused serious strikes that India had yet to witness. Afterwards the wage-cut was withdrawn.⁴⁶ At present an employee aggrieved by an employer's failure to pay the minimum wage may file a written complaint to the labour court. Any employer contravening the provisions of the minimum wages may be punished with imprisonment for a term that may extend to one year or with a fine that may extend to five thousand taka or with both.⁴⁷ The court trying such contravention can also order that the employer also pay to the worker concerned such some as may be specified representing the differences between the amounts actually paid to such worker and the amount which should have been paid to him had there been no such contravention. It is held that the rate of wages fixed by the Wage Board cannot be reduced or altered by any contract entered upon between the management and the collective bargaining agent. If such a contract is entered upon, the terms of such contract must be favourable towards the workers.

⁴³ Ramanujam, p. 8

⁴⁴ Section 353, *Bangladesh Labour Code, 2006*

⁴⁵ Government of India, *Indian Factory Commission Report, 1908*, pp. 6-10

⁴⁶ Vera Anstey, *The Economic Development in India, 1952*, p. 263

⁴⁷ Section 289, *Bangladesh Labour Code, 2006*

Conclusion:

There were numerous types of industries and commercial activities in all over India and Bengal. Many agro-based industries developed with plantation labour products. Bengal has proved to be a rich place for most of the plantation based industry. Before the advent of factory system labour was scattered all over the country with the small unit of cottage industry. With the gradual industrial development in India labour as a class emerged. But the labours financial position was at stake. They had to sell their labour at a very low wage. The history of labour development of Bengal bears witness to many tragedies of physical torture, bonded labour and minimum pay in cultivation of indigo, jute, tea and many other industries. Neither legal support nor management and administrative support played any role in the formation of the working class. The workers were unskilled as they were never provided with any training course by the employers in those days. Management of the company or firm had the paternalistic ruthless attitude to workers. Civil administration used to extend its hands of cooperation to the employer. Actually the foreign or native owners or the management of the company did not try to give birth to a healthy industrial class in Bengal.

Labour agitation is a well known phenomenon in labour history which has forced the administration to make space for labour laws. Few labour legislations were introduced in early nineteenth century in the sub-continent not for the formation of healthy working class and to protect their interests, but for the protection of employers own interest. Except for the direction of the Deputy Magistrate in the case of indigo labour their are hardly any case in those days of labour history manifesting the employers will to implement the statutory laws and, in fact, there was no effective system to execute them. It proves that labour legislation can be useful only when the administration is sincere to implement the same.

Indian and Bengalee men, women and children labour have relentlessly boosted the economy of the British people and other foreign countries to the detriment of themselves as bonded labour. Even today the men and women of Bangladesh will give extra effort to boost the economy of Bangladesh but the government policy holders should carefully implement and execute the new labour code as not to allow the neo economic colonisers in the guise of free trade to exploit our citizen.